

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14332 of 2004

Between:

Edpuganti Rama Rao S/o. Krishna Murthy,
Kodad Village, Nalgonda District.

..... PETITIONER

AND

- 1 The Dy. Commissioner, Endowments Dept., Hyderabad.
- 2 The Assistant Commissioner, Endowments Dept., Nalgonda, Nalgonda District.
- 3 The Station House Officer, Kodad Town P.S.,
Kodad, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, to declare the impugned order of the 2nd respondent in Rc.No.C/3492/2003, Dt. 10.5.2004 as illegal, arbitrary, violative of Article 19 and 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner: MR.PALLENAGESWAR RAO

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following :

ORAL ORDER:

The petitioner claims to be the cultivating tenant in respect of Ac.1.17 gts. of land in Kodad village and Mandal, belonging to Sri Amareswara Swamy Vari Devasthanam, Amaravathi, Guntur District. He states that he made an application before the Assistant Commissioner, Endowments Department, Nalgonda claiming that he is a landless poor person and thus entitled to the benefits under Sub-section (2) of Section 82 of the A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987. However, the Assistant Commissioner, Endowments Department, rejected the claim of the petitioner, vide proceedings, dated 10.5.2004. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent-Deputy Commissioner, Endowments Department, Hyderabad on 21.6.2004 which is still pending. The grievance of the petitioner is that in the meanwhile, the 2nd respondent is interfering with his possession and enjoyment of the land in question. Hence, this writ petition.

The learned Government Pleader appearing for the respondents states that against the order dated 10.5.2004 of the Assistant Commissioner of Endowments, an appeal lies to the Regional Joint Commissioner under rule-4 of the A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 and that the appeal said to have been preferred by the petitioner before the Deputy Commissioner is not maintainable.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to prefer an appeal before the Regional Joint Commissioner having jurisdiction, within four weeks from today. In the event of filing of an Appeal within the time specified above, the same may be considered and disposed of as expeditiously as possible preferably within a period of four weeks from the date of filing of the appeal. Till the appeal is disposed of, status-quo obtaining as on

today as to the nature and possession of the land in question shall be maintained.

The Writ Petition is accordingly disposed of. No costs.

13-08-2004

Note:- CC in 2 days.

(b/o)

bcj

To

- 1 The Dy. Commissioner, Endowments Dept., Hyderabad.
- 2 The Assistant Commissioner, Endowments Dept., Nalgonda, Nalgonda District.
- 3 The Station House Officer, Kodad Town P.S.,
Kodad, Nalgonda District.

4 Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies.